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10/814,821	03/31/2004	Yuichi Ichikawa	9683/184	5312

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/814,821	ICHIKAWA ET AL.
	Examiner	Art Unit	
	Yaima Campos	2185	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>11/12/07</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *6-11,13-16 and 18-38* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *6-11, 13-16, 18-38* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   As per the instant Application having Application number 10/814,821, the examiner

acknowledges the applicant's submission of the amendment dated November 12, 2007. At this

point, claims 15, 22, 25, and 33 have been amended, claims 1-5, 12 and 17 have been canceled

and claims 34-38 have been added. Claims 6-11, 13-16, and 18-38 are pending.

REJECTIONS BASED ON PRIOR ART

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

3.   **Claim 6-7, 11, 25-28 and 34-36** are rejected under 35 U.S.C. 103(a) as being

unpatentable over "Applet Caching in Java Plug-in" JAVA.SUN.COM, August (2000-08), XP-

002256443 in view of Suzaki (US 2004/0078636).

4.   As per **claims 6 and 11**, **(XP-002256443) discloses**

discloses a communication device comprising:

"operation input means for receiving a request command from a user that requests transmission

of contents;" **["Applet caching ensures that applets are not unnecessarily downloaded by a**

browser every time a user references them" (XP-002256443)]

"cache memory means for temporarily storing data;" **["browser cache" (XP-002256443)]**

"content storage means composed of nonvolatile memory; and" ["**secondary cache which browser cannot overwrite**" (XP-002256443)]

"a processor configured to receive contents;" [**means for downloading (XP-002256443)**]

"said processor operable, in response to receipt of said contents, to write said contents in said cache memory means;" ["**applet caching**" wherein "**Java Plug-in has supported caching in previous versions by using the same cache the browser uses for all other web documents. This works for casual applet usage, but larger applets can often get flushed from the cache to make room for other documents since the browser has no knowledge that an applet file might be needed in the future. The result is that this caching strategy fails where is needed most in large business applets**" (XP-002256443)]

"said processor further operable, after said contents are stored in said cache memory means, to process or execute said contents automatically, absent receipt of any command initiated by a user" ["**Browser: Run applets from the browser cache (default)**" (XP-002256443)]

"and said processor further operable, in accordance with storage control information associated with said contents, and responsive to a store command received from said user via said operation input means, to read said contents from said cache memory means, and to write said contents in said content storage means" ["**This release introduces an alternative form of applet caching which allows an applet deployer to decide her applet should be "sticky", that is, to stay on the disk in a secondary cache which the browser cannot overwrite**" wherein "**This new feature is activated by including the new PARAM... EMBED/OBJECT tag**" (XP-002256443)].

To further detail (**XP-002256443**), Suzaki discloses

operation input means for receiving a request command from a user that requests transmission of

contents [**input and output means for computer system storage and software execution**

method using the same... when providing new software for trial" (Suzaki, Par. 0002) "**Trial**

software and trial data are exchanged via various communication media... trial software

and trial data distributed via the Internet in particular" (Par. 0004)]

"cache memory means for temporarily storing data;" [**This limitation is disclosed by Suzaki as**

"disk cache 78 provided in RAM" (Par. 0038)]

"content storage means composed of nonvolatile memory; and" [**With respect to this**

limitation, Suzaki discloses "HDD 74" (Par. 0038)]

"a processor configured to receive contents;" "**trial software and trial data are exchanged via**

various communication media" (Par. 0002) and "MPU 72" (Figure 6)]

"said processor operable, in response to receipt of said contents, to write said contents in said

cache memory means;" ["**A disk cache is a memory (usually a semiconductor memory) that**

is faster than the hard disk, that is used to hold data to enable hard disk data to be

rewritten at high speed, for effecting high-speed access in cases where the same data is

accessed a number of times, and for collectively writing to disk with an intentional delay"

(Par. 0034)]

and said processor further operable, in accordance with storage control information associated

with said contents, and responsive to a store command..., to read said contents from said cache

memory means, and to write said contents in said content storage means [**Suzaki discloses this**

limitation as "MPU 72;" "when data is recorded on HDD 74 in accordance with a request

from OS kernel 71 or the like, using the write-back method, data in a disk cache 78

provided in RAM is recorded via MPU 72" and explains that "a switch 73 is provided
between MPU 72 and the HDD 74 that controls whether or not data flows there between"
(Pars. 0034 and 0038) wherein "the MPU 72 and write-back switch 73 are controlled by OS
kernel 75. The OS kernel 75 operates in accordance with requests from program 77 and
trial settings 76" (Par. 0038) "when it is known that the data recorded on the CD-ROM is
safe, the path via which data is transferred from the disk cache of the computer system 11
to the HDD is established and operations performed using the HDD" (Par. 0031)].

"Applet Caching in Java Plug-in" JAVA.SUN.COM, August (2000-08), XP-002256443
and Suzaki (US 2004/0078636) are analogous art because they are from the same field of
endeavor of computer memory access and control.

At the time of the invention it would have been obvious to a person of ordinary skill in
the art to combine the applet caching system which runs applets in a cache browser and allows
an applet deployer/user to decide her applet should be "sticky", that is, to stay on the disk in a
secondary cache which the browser cannot overwrite (XP-002256443) with the system which
enables trial software, trial data and mail data to be safely tried wherein writes to a hard disk, in
the virtual computer system are made via a disk cache, and whether or not data is transferred
from the disk cache to the hard disk is controlled as taught by Suzaki.

The motivation for doing so would have been because Suzaki discloses ["the trial user
can try out the distributed application without being subject to non-recoverable damage
from computer viruses" (Par. 0117)].

Therefore, it would have been obvious to combine "Applet Caching in Java Plug-in"
JAVA.SUN.COM, August (2000-08), XP-002256443 with Suzaki (US 2004/0078636) for the

benefit of creating a communication device to obtain the invention as specified in claims 6 and

11.

5.   As per **claim 7**, the combination of XP-002256443 and Suzaki (US 2004/0078636)

discloses A communication device according to Claim 6, **[See rejection to claim 6 above]**

wherein: "said processor is further operable to receive said storage control information indicative

that said contents are for trial use; and said processor, in response to receipt of said storage

control information, is further operable to write said contents in only said cache memory means"

[Suzaki discloses as writes of trial data to a hard disk are made through a disk cache (Pages

2-3, Paragraphs 0034-0038) wherein "it is possible to obtain some findings with respect to

whether or not trial software, trial data or mail data is safe" (Par. 0035) wherein "when it

is known that the data recorded on the CD-ROM is safe, the path via which data is

transferred from the disk cache of the computer system 11 to the HDD is established and

operations performed using the HDD" (Par. 0031) "data transfer path from the disk cache

to the hard disk is provided with a switch to control the flow of data, controlling whether of

not there are hard-disk drives" (Par. 0034) (See FIGS. 6 and 7)].

6.   As per **claims 25-26**, the combination of XP-002256443 and Suzaki discloses A

communication device according to claim 6, wherein said processor is further operable to deny

said contents from being read from said cache memory means and written in said content storage

means in response to indication with said storage control information that said contents not

storable in said communication device; wherein said processor is further operable to write said

contents into said content storage means in response to indication with said storage control

information that said contents can be stored in said communication device **[Suzaki discloses**

"enabling distribution of copies of applications that are running makes it possible to

distribute trial evaluation versions... the trial user can try out the distributed application

without being subject to non-recoverable damage from computer viruses" (Par. 0117)

"when it is known that the data recorded on the CD-ROM is safe, that path via which data

is transferred from the disk cache of the computer system 11 to the HDD is established and

operations performed using the HDD" (Pa. 0031) "write-backs are not performed when an

application program or the like is being tried out" (Par. 0111) which comprises non-

storable contents].

7.   As per **claim 27**, the combination of XP-002256443 and Suzaki discloses The program of

claim 11, wherein said content using process is operable to process or execute said contents

automatically on a trial basis [XP-002256443 discloses "run applets from the browser cache

(default)." And Suzaki discloses "generally, to prevent such damage, trial software is tried

out" (Par. 0004)].

8.   As per **claim 28**, the combination of XP-002256443 and Suzaki discloses The program of

Claim 11, wherein said content using process is operable to delete the contents stored in said

cache memory means, and said second writing process is not executable, in response to

indication with said storage control information that said contents are for trial use only [With

respect to this limitation, Suzaki discloses "Trial software and trial data are exchanged via

various communication media, and there are cases in which computer systems are

damaged by computer viruses that become attached accompanying trial software and trial

data distributed via the Internet in particular... to prevent such damage, trial software is

tried out, or characteristics of files created by a virus produced by reading trial data or

mail data are detected and the file removed, or files that have a computer virus are erased

before trying out trial software or reading trial data or mail data" (Par. 0005) "a first

storage, a second storage that with respect to access speed operates at a higher speed than

the first storage, and a processor; and a virtual computer operating on the computer and

equipped with a configuration that, when writing to the first storage, writes via a disk

cache of a predetermined capacity, and a switch that controls whether or not data is

transferred from the disk cache to the first storage" (Par. 0016)].

9.   As per **claim 34**, the combination of XP-002256443 and Suzaki discloses A

communication device according to Claim 6, wherein said processor is operable, in response to

receipt of said contents, to write said contents in said cache memory means when temporary

storage of said contents in said cache memory means is specified in storage control information

associated with said contents, or to write said contents in said content storage means when said

content storage means is specified in said storage control information associated with said

contents as XP-002256443 discloses **["applet caching" wherein "Java Plug-in has supported**

caching in previous versions by using the same cache the browser uses for all other web

documents. This works for casual applet usage, but larger applets can often get flushed

from the cache to make room for other documents since the browser has no knowledge that

an applet file might be needed in the future. The result is that this caching strategy fails

where is needed most in large business applets" wherein "Browser: Run applets from the

browser cache (default)" "This release introduces an alternative form of applet caching

which allows an applet deployer to decide her applet should be "sticky" (*which comprises*

***storage control information associated with said contents*), that is, to stay on the disk in a**

secondary cache which the browser cannot overwrite" wherein "This new feature is activated by including the new PARAM... EMBED/OBJECT tag" (XP-002256443)]. Suzaki discloses [Suzaki discloses as writes of trial data to a hard disk are made through a disk cache (Pages 2-3, Paragraphs 0034-0038) wherein "it is possible to obtain some findings with respect to whether or not trial software, trial data or mail data is safe" (Par. 0035) wherein "when it is known that the data recorded on the CD-ROM is safe, the path via which data is transferred from the disk cache of the computer system 11 to the HDD is established and operations performed using the HDD" (Par. 0031) "data transfer path from the disk cache to the hard disk is provided with a switch to control the flow of data, controlling whether of not there are hard-disk drives" (Par. 0034) (See FIGS. 6 and 7) wherein "it is possible to obtain some findings with respect to whether or not trial software, trial data or mail data is safe" (Page 3, Par. 0035); therefore this trial software, trial data and mail data inherently includes information indicating it is for trial which comprises storage control information].

10.   As per **claims 35 and 36**, the combination of XP-002256443 and Suzaki discloses A communication device according to Claim 6/program of claim 11, wherein said processor is further operable (*which comprises an intended use recitation*) to await receipt of said store command from said user of said communication device before being operable to read said contents from said cache memory means, and to write said contents in said content storage means as of XP-002256443 ["This release introduces an alternative form of applet caching which allows an applet deployer to decide her applet should be "sticky", that is, to stay on the disk in a secondary cache which the browser cannot overwrite" wherein "This new

feature is activated by including the new PARAM... EMBED/OBJECT tag" (XP-002256443) wherein Applicant should note that an applet must be executed in a client's machine/processor and that in order for an "applet deployer" or user to indicate an applet should be sticky, this user/deployer must interact with the applet through the machine/processor on which the applet is being executed via input means; therefore, disclosing a processor further operable, in accordance with storage control information associated with said contents, and to await (as an applet must be marked sticky before it is stored to secondary cache) a store command received from said user via said operation input means, and to write said contents in said content storage means, as claimed]. Susaki discloses ["MPU 72;" "when data is recorded on HDD 74 in accordance with a request from OS kernel 71 or the like, using the write-back method, data in a disk cache 78 provided in RAM is recorded via MPU 72" and explains that "a switch 73 is provided between MPU 72 and the HDD 74 that controls whether or not data flows there between" (Pars. 0034 and 0038) wherein "the MPU 72 and write-back switch 73 are controlled by OS kernel 75. The OS kernel 75 operates in accordance with requests from program 77 and trial settings 76" (Par. 0038) "when it is known that the data recorded on the CD-ROM is safe, the path via which data is transferred from the disk cache of the computer system 11 to the HDD is established and operations performed using the HDD" (Par. 0031) wherein Applicant should note that one of ordinary skill in the art would recognize that the cited switch comprises input means, as claimed by Applicant and that a "program" or application comprises a set of instructions/commands written by a user that help a user accomplish a specific task; therefore, Suzaki discloses storing contents in response to a

command received via input means for receiving a command from a user, as claimed by

Applicant] wherein the Examiner submits that providing manual means to replace automatic

means or providing automatic means to replace manual means while accomplishing the same

results involves only routine skill in the art. *In re Venner,* 120 USPQ 192.

11.   **Claim 13-15, 19-24, 30-32 and 37-38** are rejected under 35 U.S.C. 103(a) as being

unpatentable over "Applet Caching in Java Plug-in" JAVA.SUN.COM, August (2000-08), XP-

002256443 in view of Suzaki (US 2004/0078636) and Liebrand (US 2005/0044177).

12.   As per **claims 13-15**, (XP-002256443) discloses A communication device comprising:

"operation input means, for receiving a first command from a user;" **["Applet caching ensures**

that applets are not unnecessarily downloaded by a browser every time a user references

them" (XP-002256443)]

"content storage means for storing contents;" **["browser cache" and "secondary cache which**

browser cannot overwrite" (XP-002256443)]

a processor operable to receive contents; **[means for downloading (XP-002256443)]**

"after said contents are received, said processor further operable to write said contents in said

content storage means in association with a first identifier indicating that said contents are to be

stored temporarily in said content storage means;" **["applet caching" wherein "Java Plug-in**

has supported caching in previous versions by using the same cache the browser uses for all

other web documents. This works for casual applet usage, but larger applets can often get

flushed from the cache to make room for other documents since the browser has no

knowledge that an applet file might be needed in the future. The result is that this caching

strategy fails where is needed most in large business applets" (XP-002256443)]

in response to said contents being written in said content storage means, "said processor further

operable, after said contents are stored in said cache memory means, to process or execute said

contents automatically, absent receipt of any command initiated by a user" **["Browser: Run**

applets from the browser cache (default)" (XP-002256443)]

"and said processor responsive to a second command received via said operation input means

to store contents processed or executed by said processor, said processor further operable in in

accordance with storage control information, and in response to said second command, to

exchange said first identifier flag for a second identifier flag that indicates said contents are to be

stored in said content storage means enduringly" **["This release introduces an alternative form**

of applet caching which allows an applet deployer to decide her applet should be "sticky",

that is, to stay on the disk in a secondary cache which the browser cannot overwrite"

wherein "This new feature is activated by including the new PARAM... EMBED/OBJECT

tag" (XP-002256443)].

(XP-002256443) does not disclose expressly that the identifier used to indicate whether

contents are to be stored temporarily or enduringly is a flag nor having trial contents stored in

cache and storing contents to disk when said contents are not for trial use.

Suzaki discloses "operation input means, for receiving a first command from a user;"

[input and output means for computer system storage and software execution method using

the same... when providing new software for trial" (Suzaki, Par. 0002) "Trial software and

trial data are exchanged via various communication media... trial software and trial data

distributed via the Internet in particular" (Par. 0004)]

"content storage means for storing contents;" **[With respect to this limitation, Suzaki discloses "disk cache 78 provided in RAM" (Par. 0038) and "HDD 74" (Column 3, paragraph 0038, line 1)]**

a processor operable to receive contents; **[With respect to this limitation, Suzaki discloses that "trial software and trial data are exchanged via various communication media" (Column 1, paragraph 002) and "MPU 72" (Figure 6)]**

"after said contents are received, said processor further operable to write said contents in said content storage means in association with a first identifier indicating that said contents are to be stored temporarily in said content storage means; in response to determination by the processor that the content is for trial use, to temporarily store the content in the first storage area, and automatically process or execute the temporarily stored content;" **[Suzaki discloses this limitation as "A disk cache is a memory (usually a semiconductor memory) that is faster than the hard disk, that is used to hold data to enable hard disk data to be rewritten at high speed, for effecting high-speed access in cases where the same data is accessed a number of times, and for collectively writing to disk with an intentional delay" (Column 2, paragraph 0034)] [Suzaki discloses this limitation as "MPU 72;" "when data is recorded on HDD 74 in accordance with a request from OS kernel 71 or the like, using the write-back method, data in a disk cache 78 provided in RAM is recorded via MPU 72" and explains that "a switch 73 is provided between MPU 72 and the HDD 74 that controls whether or not data flows there between" (Columns 2-3, paragraphs 0034 and 0038) wherein "the MPU 72 and write-back switch 73 are controlled by OS kernel 75. The OS kernel 75 operates in accordance with requests from program 77 and trial settings 76" (Page 3, Paragraph 0038) "it is**

possible to obtain some findings with respect to whether or not trial software, trial data or

mail data is safe" (Page 3, Par. 0035); therefore this trial software, trial data and mail data

inherently includes information indicating it is for trial]

"and said processor responsive to a second command received via said operation input means

to store contents processed or executed by said processor, said processor further operable in in

accordance with storage control information, and in response to said second command, to

exchange said first identifier flag for a second identifier flag that indicates said contents are to be

stored in said content storage means enduringly" [Suzaki discloses this concept as "a software

execution method" that by "using the input and output means for computer system

storage, enables trial software, trial data and mail data to be safely tried" (Column 1,

paragraph 0015, lines 10-14) wherein "when writing to a first storage, writes via a disk

cache of a predetermined capacity" and later performs write-back of data to "HDD 74"

(Column 1, paragraph 0016 and Columns 2-3, paragraphs 00034 and 0038) wherein "when

data is recorded on HDD 74 in accordance with a request from OS kernel 71 or the like,

using the write-back method, data in a disk cache 78 provided in RAM is recorded via

MPU 72" and explains that "a switch 73 is provided between MPU 72 and the HDD 74 that

controls whether or not data flows there between" (Columns 2-3, paragraphs 0034 and

0038) wherein "the MPU 72 and write-back switch 73 are controlled by OS kernel 75. The

OS kernel 75 operates in accordance with requests from program 77 and trial settings 76"

(Page 3, Paragraph 0038)].

"said processor is further operable, only in response to determination by the processor that the

content is not for trial use, to store the content in the second storage area, and await receipt

initiated by the user to process or execute the longer term stored content" [**Suzaki discloses as**

writes of trial data to a hard disk are made through a disk cache (Pages 2-3, Paragraphs

0034-0038) wherein "it is possible to obtain some findings with respect to whether or not

trial software, trial data or mail data is safe" (Par. 0035) wherein "when it is known that

the data recorded on the CD-ROM is safe, the path via which data is transferred from the

disk cache of the computer system 11 to the HDD is established and operations performed

using the HDD" (Par. 0031) "data transfer path from the disk cache to the hard disk is

provided with a switch to control the flow of data, controlling whether of not there are

hard-disk drives" (Par. 0034) (See FIGS. 6 and 7)].

Liebrand explicitly discloses an identifier flag to indicates contents are to be stored

temporarily or enduringly in a communication device in a wireless network as [**"a mobile web**

browsing device able to download and store content from a web server over a wireless

network, wherein the device is programmed to: (a) regonise a usage definition applied to

certain downloadable content, in which the definition prohibits discarding that content

from a memory in the device; (b) apply a flag to that content and store that content in

combination with the flag in the device memory;" (Par.s 0004-0007) "the content and

accompanying definitions are then sent to the device over the cellular network controlled

by a network operator... the flag defines how the device uses the content-in particular,

defining that the device will not discard that content from memory" (Par. 0008)].

"Applet Caching in Java Plug-in" JAVA.SUN.COM, August (2000-08), XP-002256443,

Suzaki (US 2004/0078636) and Liebrand are analogous art because they are from the same field

of endeavor of computer memory access and control.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to combine the applet caching system which runs applets in a cache browser and allows an applet deployer/user to decide her applet should be "sticky", that is, to stay on the disk in a secondary cache which the browser cannot overwrite (XP-002256443) with the system which enables trial software, trial data and mail data to be safely tried wherein writes to a hard disk, in the virtual computer system are made via a disk cache, and whether or not data is transferred from the disk cache to the hard disk is controlled as taught by Suzaki and further exchanging a first identifier flag that indicates contents are to be stored temporarily for a second identifier flag that indicates contents are to be stored enduringly as taught by Liebrand.

The motivation for doing so would have been because Suzaki discloses **["the trial user can try out the distributed application without being subject to non-recoverable damage from computer viruses" (Par. 0117)]**. Liebrand discloses **["flagged home pages stored on device memory are persistent since they are not routinely discarded from memory... hence, they can reliably be viewed even when the device is out of cellular coverage and the device has freed up disk space" (Par. 0008)]**.

Therefore, it would have been obvious to combine "Applet Caching in Java Plug-in" JAVA.SUN.COM, August (2000-08), XP-002256443 with Suzaki (US 2004/0078636) and Liebrand (US 2005/0044177) for the benefit of creating a communication device to obtain the invention as specified in claims 13-15.

13.   As per **claim 19**, the combination of XP-002256443, Suzaki and Liebrand discloses the communication device of Claim 15, **[See rejection to claim 15 above]** "wherein the first storage area and the second storage area are assigned areas of the memory" **[Refer to "RAM**

71" and "HDD 74" (Fig. 6) of Suzaki. XP-002256443 discloses browser cache and secondary cache which the browser cannot overwrite].

14.   As per **claim 20,** the combination of XP-002256443, Suzaki and Liebrand discloses the communication device of Claim 15, wherein "the first storage area and the second storage area are identified with a respective predetermined indicator flag included in the data stored in the respective first and second storage areas" " **[With respect to this limitation, Suzaki discloses "when writing to a first storage, writes via a disk cache of a predetermined capacity" and later performs write-back of data to "HDD 74" (Column 1, paragraph 0016 and Columns 2-3, paragraphs 00034 and 0038) wherein "when data is recorded on HDD 74 in accordance with a request from OS kernel 71 or the like, using the write-back method, data in a disk cache 78 provided in RAM is recorded via MPU 72" and explains that "a switch 73 is provided between MPU 72 and the HDD 74 that controls whether or not data flows there between" (Columns 2-3, paragraphs 0034 and 0038) wherein "the MPU 72 and write-back switch 73 are controlled by OS kernel 75. The OS kernel 75 operates in accordance with requests from program 77 and trial settings 76" (Page 3, Paragraph 0038). Liebrand explicitly discloses an identifier flag to indicates contents are to be stored temporarily or enduringly in a communication device in a wireless network (Pars. 0004-0008)].**

15.   As per **claim 21,** the combination of XP-002256443, Suzaki and Liebrand discloses the communication device of Claim 15, **[See rejection to claim 15 above]** wherein "the processor is operable to automatically process or execute the temporarily stored content to enable a user to demo the temporarily stored content" **[The rationale of the rejection of claims 13-15 is herein incorporated].**

16.   As per **claim 22,** the combination of XP-002256443, Suzaki and Liebrand discloses the

communication device of Claim 21, wherein "the processor is operable to change a status of the

temporarily stored content to long term stored content in response to receipt of a user command

to perform such a change" **[With respect to this limitation, Suzaki discloses "when writing to**

a first storage, writes via a disk cache of a predetermined capacity" and later performs

write-back of data to "HDD 74" (Column 1, paragraph 0016 and Columns 2-3, paragraphs

00034 and 0038) wherein "when data is recorded on HDD 74 in accordance with a request

from OS kernel 71 or the like, using the write-back method, data in a disk cache 78

provided in RAM is recorded via MPU 72" and explains that "a switch 73 is provided

between MPU 72 and the HDD 74 that controls whether or not data flows there between"

(Columns 2-3, paragraphs 0034 and 0038) wherein "the MPU 72 and write-back switch 73

are controlled by OS kernel 75. The OS kernel 75 operates in accordance with requests

from program 77 and trial settings 76" (Page 3, Paragraph 0038). XP-002256443 discloses

"applet caching which allows and applet deployer to decide her applet should be stick, that

is, to stay on the disk in a secondary cache which the browser cannot overwrite"].

17.   As per **claim 23**, the combination of XP-002256443, Suzaki and Liebrand discloses the

communication device of Claim 22, wherein "the processor is operable to change the status by

relocation of, the content from the first storage area to the second storage area" **[With respect to**

this limitation, Suzaki discloses "when writing to a first storage, writes via a disk cache of a

predetermined capacity" and later performs write-back of data to "HDD 74" (Column 1,

paragraph 0016 and Columns 2-3, paragraphs 00034 and 0038) wherein "when data is

recorded on HDD 74 in accordance with a request from OS kernel 71 or the like, using the

write-back method, data in a disk cache 78 provided in RAM is recorded via MPU 72" and explains that "a switch 73 is provided between MPU 72 and the HDD 74 that controls whether or not data flows there between" (Columns 2-3, paragraphs 0034 and 0038) wherein "the MPU 72 and write-back switch 73 are controlled by OS kernel 75. The OS kernel 75 operates in accordance with requests from program 77 and trial settings 76" (Page 3, Paragraph 0038)].].

18.   As per **claim 24**, the combination of XP-002256443, Suzaki and Liebrand discloses The communication device of Claim 22, wherein "the processor is operable to change the status by modification of predetermined indicator included in the content, wherein the predetermined indicator is modified to indicate that the content is stored longer term instead of temporarily" [With respect to this limitation, Suzaki discloses "when writing to a first storage, writes via a disk cache of a predetermined capacity" and later performs write-back of data to "HDD 74" (Column 1, paragraph 0016 and Columns 2-3, paragraphs 00034 and 0038) wherein "when data is recorded on HDD 74 in accordance with a request from OS kernel 71 or the like, using the write-back method, data in a disk cache 78 provided in RAM is recorded via MPU 72" and explains that "a switch 73 is provided between MPU 72 and the HDD 74 that controls whether or not data flows there between" (Columns 2-3, paragraphs 0034 and 0038) wherein "the MPU 72 and write-back switch 73 are controlled by OS kernel 75. The OS kernel 75 operates in accordance with requests from program 77 and trial settings 76" (Page 3, Paragraph 0038). Liebrand explicitly discloses an identifier flag included in the content to indicates contents are to be stored temporarily or enduringly in a communication device in a wireless network (Pars. 0004-0008)].

19.   As per **claims 30-31**, the combination of XP-002256443, Suzaki and Liebrand discloses

The communication device of claim 13, wherein said storage control information is included

with said contents received by said processor **[Liebrand discloses "apply a flag to that content**

and store that content in combination with the flag in the device memory" (Par. 00063)]

wherein said storage control information comprises a predetermined indication of whether the

contents can be stored temporarily or enduringly in said content storage means **[See Liebrand**

(Pars. 0004-0008)].

20.   As per **claim 32**, the combination of XP-002256443, Suzaki and Liebrand discloses The

communication device of claim 13, wherein said processor further operable to exchange said first

identifier flag for said second identifier flag comprises said processor being operable to modify a

first predetermined value representative of said first identifier flag to a second predetermined

value representative of said second identifier flag **[The rationale in the rejection to claims 13-**

15 is herein incorporated].

21.   As per **claims 37-38**, the combination of XP-002256443, Suzaki and Liebrand disclsoes

The communication device according to Claim 13/computer readable medium of claim 14,

wherein said processor is further operable to await receipt of said second colmnand received via

said operation input means before being operable to store said contents; wherein said second

writing process is executable to await receipt of a store command received from said user via

said operation input means before being executable to store contents processed or executed in

said content using process as XP-002256443 **["This release introduces an alternative form of**

applet caching which allows an applet deployer to decide her applet should be "sticky",

that is, to stay on the disk in a secondary cache which the browser cannot overwrite"

wherein "This new feature is activated by including the new PARAM... EMBED/OBJECT

tag" (XP-002256443) wherein Applicant should note that an applet must be executed in a

client's machine/processor and that in order for an "applet deployer" or user to indicate an

applet should be sticky, this user/deployer must interact with the applet through the

machine/processor on which the applet is being executed via input means; therefore,

disclosing a processor further operable, in accordance with storage control information

associated with said contents, and to await (as an applet must be marked sticky before it is

stored to secondary cache) a store command received from said user via said operation

input means, and to write said contents in said content storage means, as claimed]. Susaki

discloses ["MPU 72;" "when data is recorded on HDD 74 in accordance with a request

from OS kernel 71 or the like, using the write-back method, data in a disk cache 78

provided in RAM is recorded via MPU 72" and explains that "a switch 73 is provided

between MPU 72 and the HDD 74 that controls whether or not data flows there between"

(Pars. 0034 and 0038) wherein "the MPU 72 and write-back switch 73 are controlled by OS

kernel 75. The OS kernel 75 operates in accordance with requests from program 77 and

trial settings 76" (Par. 0038) "when it is known that the data recorded on the CD-ROM is

safe, the path via which data is transferred from the disk cache of the computer system 11

to the HDD is established and operations performed using the HDD" (Par. 0031) wherein

Applicant should note that one of ordinary skill in the art would recognize that the cited

switch comprises input means, as claimed by Applicant and that a "program" or

application comprises a set of instructions/commands written by a user that help a user

accomplish a specific task; therefore, Suzaki discloses storing contents in response to a

command received via input means for receiving a command from a user, as claimed by

Applicant] wherein the Examiner submits that providing manual means to replace automatic

means or providing automatic means to replace manual means while accomplishing the same

results involves only routine skill in the art. *In re Venner,* 120 USPQ 192.

22.   **Claim 8** is rejected under 35 U.S.C. 103(a) as being unpatentable over "Applet Caching

in Java Plug-in" JAVA.SUN.COM, August (2000-08), XP-002256443 in view of Suzaki (US

2004/0078636) as applied to claims 6-7 above, and further in view of Wong et al. (US

2004/0111443).

23.   As per **claim 8**, Suzaki discloses a communication device according to Claim 6, **[See**

rejection to claim 6 above] but does not disclose expressly "said processor is further operable to

determine whether a size of a free space of said content storage means is equal to, or greater

than, a data size of said contents stored in said cache memory means; and in response to said size

of said free space of said content storage means is equal to, or greater than, said data size of said

contents stored in said cache memory means, said processor farther operable to write said

contents processed or executed by said processor in said content storage means after reading said

contents from said cache memory means."

Wong discloses the concept of "said processor is further operable to determine whether a

size of a free space of said content storage means is equal to, or greater than, a data size of said

contents stored in said cache memory means; and when said size of said free space of said

content storage means is equal to, or greater than, said data size of said contents stored in said

cache memory means, said processor farther operable to write said contents processed or

executed by said processor in said content storage means after reading said contents from said

cache memory means" as [a process for writing an object to main memory by a cache

controller wherein "cache controller 44 first determines whether the object to be written

can fit in the buffer 62" (Columns 5-6, paragraph 0060)] "if the object fits in the object

buffer 62, the object is written to object buffer 62" (Columns 5-6, paragraph 0060)].

"Applet Caching in Java Plug-in" JAVA.SUN.COM, August (2000-08), XP-002256443,

Suzaki (US 2004/0078636) and Wong et al. (US 2004/0111443) are analogous art because they

are from the same field of endeavor of computer memory management.

At the time of the invention it would have been obvious to a person of ordinary skill in

the art to modify the content trial system which first stores contents in a cache and then transfers

these contents to a content storage as described by (XP-002256443) and Suzaki and determine if

there is enough space in a content storage before transferring data to this content storage as

taught by Wong.

The motivation for doing so would have been because Wong teaches that determining

whether there is enough free space in memory before transferring data ["increases caching

performance of persistent memory" (Column 1, paragraph 0003) and prevents system

crashes as when there is not enough space in memory, the system prevents writing new

objects to memory].

Therefore, it would have been obvious to combine Wong et al. (US 2004/0111443) with

"Applet Caching in Java Plug-in" JAVA.SUN.COM, August (2000-08), XP-002256443 and

Suzaki (US 2004/0078636) for the benefit of creating a content trial system to obtain the

invention as specified in claim 8.

24.   <u>**Claims 9-10**</u> are rejected under 35 U.S.C. 103(a) as being unpatentable over "Applet

Caching in Java Plug-in" JAVA.SUN.COM, August (2000-08), XP-002256443, Suzaki (US

2004/0078636) in view of Wong et al. (US 2004/0111443) as applied to claim 8 above, and

further in view of Spencer et al. (US 2003/0014496).

25.   As per **<u>claims 9 and 10</u>** A communication device according to Claim 8, wherein:

"in response to said size of said free space of said content storage means being smaller than said

data size of said contents stored in said cache memory means, said processor is further operable

to" delete data as ["**cache controller 44 purges entries from persistent memory 50 that are**

older than a particular age, and moves entries buffered in main memory 48 having dates

greater than a particular age to persistent memory 50" and explains that "**purging entries**

from persistent memory 50 frees up disk space, and moving entries from main memory 48

frees up buffer space" **(Column 5, paragraph 0059)**] but does not disclose expressly "prompt

a user to delete one or more other contents stored in said content storage means; and when, in

response to said prompt, a command is received via said operation input means to delete said one

or more other contents stored in said content storage means, said processor is further operable to

determine if, after deletion of said one or more other contents, said free space of said content

storage means will be equal to, or greater than, said data size of said contents, said processor

further operable to provide indication thereof to a user."

Spencer discloses the concept of "prompt a user to delete one or more other contents

stored in said content storage means; and when, in response to said prompt, a command is

received via said operation input means to delete said one or more other contents stored in said

content storage means, said processor is further operable to determine if, after deletion of said

one or more other contents, said free space of said content storage means will be equal to, or

greater than, said data size of said contents, said processor further operable to provide indication

thereof to a user." (*Pages 9-10, paragraph 0048 of Applicant's specification identifies this*

means as "CPU 400") as [a device which downloads files through a computer network

(Column 3, paragraph 0027) wherein "download manager 120;" (Figure 1) completes "the

instructions for remote management can include instructions to add specific media content

to existing media content on the digital playback device, or instructions to remove specific

media content from the digital media playback device. The instructions to remove specific

media content can be generated in response to a request form a user or be automatically

generated" (Column 2, paragraph 0015) and provides and example in which when there is

not enough space to download a file, the user is asked to delete on or more files residing on

the device and the user is able to submit a command to delete selected files (Columns 10-11,

paragraph 0084)].

Suzaki (US 2004/0078636), "Applet Caching in Java Plug-in" JAVA.SUN.COM, August

(2000-08), XP-002256443, Wong et al. (US 2004/0111443) and Spencer et al. (US

2003/0014496) are analogous art because they are from the same field of endeavor of computer

memory management.

At the time of the invention it would have been obvious to a person of ordinary skill in

the art to modify the content trial system which first stores contents in a cache and then transfers

these contents to a content storage as described by Suzaki and Pawate and determine if there is

enough space in a content storage before transferring data to this content storage as taught by

Wong, and further prompt a user to delete contents of a storage device when there is not enough

space to store new data as taught by Spencer.

The motivation for doing so would have been because Spencer teaches that a user

prompted to delete contents of a storage device when there is not enough space to store new data

[in order to free space when new files must be downloaded to a storage device (Columns 10-

11, paragraph 0084)].

Therefore, it would have been obvious to combine Spencer et al. (US 2003/0014496),

"Applet Caching in Java Plug-in" JAVA.SUN.COM, August (2000-08), XP-002256443, Suzaki

(US 2004/0078636) and Wong et al. (US 2004/0111443) for the benefit of creating a content trial

system to obtain the invention as specified in claims 9-10.

26.   **Claims 16, 18 and 33** are rejected under 35 U.S.C. 103(a) as being unpatentable over

"Applet Caching in Java Plug-in" JAVA.SUN.COM, August (2000-08), XP-002256443, Suzaki

(US 2004/0078636), Liebrand (US 2005/0044177) in view of Wong et al. (US 2004/0111443) as

applied to claim 8 above, and further in view of Spencer et al. (US 2003/0014496).

27.   As per **claim 16**, the communication device of Claim 15, **[See rejection to claim 15**

above] wherein "the processor is operable to exit and automatically delete the temporarily stored

content in response to receipt of a user command to cease execution or processing of the

temporarily stored content" **[The rationale in the rejection of claim 9 is herein incorporated]**.

28.   As per **claim 18**, the communication device of Claim 15, **[See rejection to claim 15**

above] wherein "the first storage area is a cache area of the memory, and the processor is further

operable to delete data from the second storage area only in response to receipt of a user

command to delete from the second storage area" [**The rationale in the rejection to claim 9 is**

herein incorporated].

29.   As per **claim 33**, the combination of Suzaki, (XP-002256443), Liebrand and Spencer

discloses The communication device of claim 16, wherein the processor, prior to exit and

automatic deletion of the temporarily stored content, is further operable to prompt the user to

store the content in the second storage area only in response to an indication that the content is

indicated as storable long term in the communication device [**Suzaki discloses as writes of trial**

data to a hard disk are made through a disk cache (Pages 2-3, Paragraphs 0034-0038)

wherein "it is possible to obtain some findings with respect to whether or not trial software,

trial data or mail data is safe" (Par. 0035) wherein "when it is known that the data

recorded on the CD-ROM is safe (*which comprises data indicated as storable long term in*

***the communication device*), the path via which data is transferred from the disk cache of the**

computer system 11 to the HDD is established and operations performed using the HDD"

(Par. 0031) "data transfer path from the disk cache to the hard disk is provided with a

switch to control the flow of data, controlling whether of not there are hard-disk drives"

(Par. 0034) (See FIGS. 6 and 7)].

30.   **Claim 29** is rejected under 35 U.S.C. 103(a) as being unpatentable over "Applet Caching

in Java Plug-in" JAVA.SUN.COM, August (2000-08), XP-002256443 in view of Suzaki (US

2004/0078636) as applied to claim 11 above, and further in view of Yamada et al. (US

2003/0037105).

31.   As per **claim 29**, the combination of XP-002256443 and Suzaki discloses The program of

Claim 11, but does not disclose expressly wherein said receiving process is operable to receive

an application description file as part of said contents, and said program further comprising a

requesting process that is executable to extract an application location identifier from said

application description file, and transmit a request for an application that is part of said contents,

said application received with said receiving process.

Yamada discloses receiving process is operable to receive an application description file

as part of said contents, and said program further comprising a requesting process that is

executable to extract an application location identifier from said application description file, and

transmit a request for an application that is part of said contents, said application received with

said receiving process as ["**when storing the received application (a), CPU 11 reads out a**

storage location of ADF stored in RAM 13 and correlates with the Jar... CPU 11 stores the

storage location information of application (a) (that is, storage location of ADF and Jar

corresponding to application (a)" (Pars. 0079-0080) wherein "CPU 11 reads out the

application (a) that the user designated (when application (a) is a Java application, ADF or

JAR) according to the storage location information "EEPROM (#1)"" (Par. 0099)].

"Applet Caching in Java Plug-in" JAVA.SUN.COM, August (2000-08), XP-002256443,

Suzaki (US 2004/0078636 and Yamada et al. (US 2003/0037105) are analogous art because they

are from the same field of endeavor of computer memory access and control.

At the time of the invention it would have been obvious to a person of ordinary skill in

the art to modify the content trial system which first stores contents in a cache and then transfers

these contents to a content storage as described by (XP-002256443) and Suzaki and further have

receiving process is operable to receive an application description file as part of said contents,

and said program further comprising a requesting process that is executable to extract an

application location identifier from said application description file, and transmit a request for an

application that is part of said contents, said application received with said receiving process as

taught by Yamada.

The motivation for doing so would have been because Yamada discloses [**"a Java**

application is divided into ADF having attributes such as a name of the application, and

Jar containing a data body of the application; and ADF and Jar are held in IP server W.

In the following explanation, unless there is a specific need to distinguish ADF from Jar,

they will each be referred to as a Java application. Applications other than Java

applications are stored without being divided (Par. 0038)].

Therefore, it would have been obvious to combine "Applet Caching in Java Plug-in"

JAVA.SUN.COM, August (2000-08), XP-002256443, Suzaki (US 2004/0078636 and Yamada et

al. (US 2003/0037105) for the benefit of creating a communication device to obtain the invention

as specified in claim 29.

ACKNOWLEDGMENT OF ISSUES RAISED BY THE APPLICANT

Response to Amendment

32.   Applicant's arguments filed on November 12, 2007 have been considered but they are not

persuasive.

33.   As required by **M.P.E.P. § 707.07(f)**, a response to these arguments appears below.

ARGUMENTS CONCERNING PRIOR ART REJECTIONS

34.   Claims must be given the broadest reasonable interpretation during examination and limitations appearing in the specification but not recited in the claim are not read into the claim (See M.P.E.P. 2111 [R-1]).

FIRST POINT OF ARGUMENT

35.   In response to applicant's remark that the modification of XP-002256443 with Suzaki is unsatisfactory for its intended purpose, thus a prima facie case of obviousness cannot be maintained as "Suzaki with XP-002256443 modifies XP-002256443 such that all applets would be written to the same cache used by all web documents thereby allowing the browser to overwrite the applets instead of caching some of the applets in the secondary cache which the browser cannot overwrite"; the Examiner respectfully disagrees and would like to point out that the combination of XP-002256443 with Suzaki is proper. The Examiner believes applicant has made a mischaracterization of XP-002256443 with Suzaki as the two references combined would provide the advantage of making applets "sticky" in a two level cache as taught by XP-002256443; therefore, not all applets would be overwritten when combining XP-002256443 with Suzaki and this combination is deemed proper **[See rejection to the claims above]**.

SECOND POINT OF ARGUMENT

36.   In response to Applicant's remark that the combination of XP-002256443 and Suzaki does not disclose "said processor further *operable (which recites an intended use)*, in accordance with storage control information associated with said contents, and responsive to a store command received from said user via said operation input means, and to write said contents in said content storage means;" the Examiner has fully considered this argument but it is not persuasive.

37.   First the Examiner would like to point out that a recitation of the intended use of the

claimed invention must result in a structural difference between the claimed invention and the

prior art in order to patentably distinguish the claimed invention from the prior art. If the prior

art structure is capable of performing the intended use, then it meets the claim. (See MPEP 2114

and Ex Parte Masham, 2 USPQ2d 1647 (1987). Therefore, any processor capable of performing

the above recited claim limitation, meets the claimed limitation.

38.   Applicant should note that the combination of XP-002256443 and Suzaki discloses "said

processor further *operable (which recites an intended use)*, in accordance with storage control

information associated with said contents, and responsive to a store command received from said

user via said operation input means, and to write said contents in said content storage means;" as:

XP-002256443 discloses ["**This release introduces an alternative form of applet**

caching which allows an applet deployer to decide her applet should be "sticky", that is, to

stay on the disk in a secondary cache which the browser cannot overwrite" wherein "This

new feature is activated by including the new PARAM... EMBED/OBJECT tag" (XP-

002256443) wherein Applicant should note that an applet must be executed in a client's

machine/processor and that in order for an "applet deployer" or user to indicate an appliet

should be sticky, this user/deployer must interact with the applet through the

machine/processor on which the applet is being executed via input means; therefore,

disclosing a "processor further operable, in accordance with storage control information

associated with said contents, and responsive to a store command received from said user

via said operation input means, and to write said contents in said content storage means, as

claimed]

and Suzaki discloses "said processor further *operable (which recites an intended use)*, in

accordance with storage control information associated with said contents, and responsive to a

store command received from said user via said operation input means, and to write said contents

in said content storage means" as ["MPU 72;" "when data is recorded on HDD 74 in

accordance with a request from OS kernel 71 or the like, using the write-back method, data

in a disk cache 78 provided in RAM is recorded via MPU 72" and explains that "a switch

73 is provided between MPU 72 and the HDD 74 that controls whether or not data flows

there between" (Pars. 0034 and 0038) wherein "the MPU 72 and write-back switch 73 are

controlled by OS kernel 75. The OS kernel 75 operates in accordance with requests from

program 77 and trial settings 76" (Par. 0038) "when it is known that the data recorded on

the CD-ROM is safe, the path via which data is transferred from the disk cache of the

computer system 11 to the HDD is established and operations performed using the HDD"

(Par. 0031) wherein Applicant should note that one of ordinary skill in the art would

recognize that the cited switch comprises input means, as claimed by Applicant and that a

"program" or application comprises a set of instructions/commands written by a user that

help a user accomplish a specific task; therefore, Suzaki discloses storing contents in

response to a command received via input means for receiving a command from a user, as

claimed by Applicant].

39.   Applicant more specifically argues "instructions/commands previously written by a user

and being executed by a processor, and a store command received from said user of said

communication device via said operation input means as described in Claim 6 are entirely

different;" however, the Examiner respectfully disagrees. It appears that Applicant's remarks

appear to be directed to manually performing steps that the prior art of record performs automatically; therefore, the Examiner submits that providing manual means to replace automatic means or providing automatic means to replace manual means while accomplishing the same results involves only routine skill in the art. *In re Venner,* 120 USPQ 192.

THIRD POINT OF ARGUMENT

40.   Regarding Applicant's remark that the combination of XP-002256443 and Suzaki does not disclose "a second writing process to write said contents in said contents storage means after said contents are read from said cache memory means, said second writing process executable in response to indication with said storage control information that said contents are storable;" the Examiner does not agree.

The combination of XP-002256443 and Suzaki discloses "a second writing process to write said contents in said contents storage means after said contents are read from said cache memory means, said second writing process executable in response to indication with said storage control information that said contents are storable;" as XP-002256443 discloses [**"This release introduces an alternative form of applet caching which allows an applet deployer to decide her applet should be "sticky", that is, to stay on the disk in a secondary cache which the browser cannot overwrite" wherein "This new feature is activated by including the new PARAM... EMBED/OBJECT tag"** (XP-002256443) **wherein information indicating an applet is sticky must be considered/read in order to decide whether to store an applet in a secondary cache which comprises content storage means; applets/information must be storable in order to be stored in secondary cache/content storage means**] and Suzaki discloses "a second writing process to write said contents in said contents storage means after

said contents are read from said cache memory means, said second writing process executable in

response to indication with said storage control information that said contents are storable;" as

["when data is recorded on HDD 74 in accordance with a request from OS kernel 71 or the

like, using the write-back method, data in a disk cache 78 provided in RAM is recorded via

MPU 72" and explains that "a switch 73 is provided between MPU 72 and the HDD 74 that

controls whether or not data flows there between" (Pars. 0034 and 0038) wherein "the

MPU 72 and write-back switch 73 are controlled by OS kernel 75. The OS kernel 75

operates in accordance with requests from program 77 and trial settings 76" (Par. 0038)

"when it is known that the data recorded on the CD-ROM is safe (*which comprises storable*

data), the path via which data is transferred from the disk cache of the computer system 11

to the HDD is established and operations performed using the HDD" (Par. 0031) wherein

data must be assessed/read in order to be written back].

FOURTH POINT OF ARGUMENT

41.   In response to applicant's argument that the examiner has combined an excessive number

of references, reliance on a large number of references in a rejection does not, without more,

weigh against the obviousness of the claimed invention. See *In re Gorman*, 933 F.2d 982, 18

USPQ2d 1885 (Fed. Cir. 1991).

NOTE

42.   Applicant should note that claims containing essentially the same subject matter have

been grouped in the rejection to the claims.

43.   All arguments by the applicant are believed to be covered in the body of the office action;

thus, this action constitutes a complete response to the issues raised in the remarks dated

November 12, 2007.

CLOSING COMMENTS

44.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

45.   A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Examiner's Note

46.   Examiner has cited particular columns and line numbers in the references as applied to

the claims above for the convenience of the applicant. Although the specified citations are

representative of the teachings in the art and are applied to the specific limitations within the

individual claim, other passages and figures may apply as well. It is respectfully requested from

the applicant, in preparing the responses, to fully consider the references in entirety as potentially

teaching all or part of the claimed invention, as well as the context of the passage as taught by

the prior art or disclosed by the examiner.

Conclusion

a. STATUS OF CLAIMS IN THE APPLICATION

47.   The following is a summary of the treatment and status of all claims in the application as

recommended by **M.P.E.P. 707.07(i)**:

a(1) CLAIMS REJECTED IN THE APPLICATION

48.   Per the instant office action, claims 6-11, 13-16, and 18-38 have received an action on the

merits and are subject of a final rejection.

b. DIRECTION OF FUTURE CORRESPONDENCES

49.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Yaima Campos whose telephone number is (571) 272-1232. The

examiner can normally be reached on Monday to Friday 8:30 AM to 5:00 PM.

IMPORTANT NOTE

50.   If attempts to reach the above noted Examiner by telephone are unsuccessful, the

Examiner's supervisor, Mr. Sanjiv Shah, can be reached at the following telephone number: Area

Code (571) 272-4098.

The fax phone number for the organization where this application or proceeding is

assigned is 571-273-8300. Information regarding the status of an application may be obtained

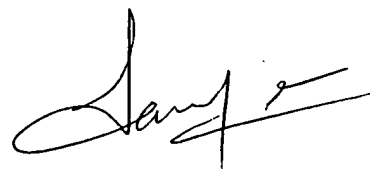from the Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For more

information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions

on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-

9197 (toll-free).

January 28, 2008

Yaima Campos
Examiner
Art Unit 2185

SANJIV SHAH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100